

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

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|--------------------|---|-------------------------|--------------------|
| Inventor: | Stasiak et al | Confirmation No: | 5513 |
| Serial No.: | 10/807,873 | Examiner: | Binh X Tran |
| Filed: | March 23, 2004 | Group Art Unit: | 1792 |
| Title: | Structure Formed with Template Having Nanoscale Features | | |

Commissioner for Patents
P O BOX 1450
Alexandria VA 22313-1450


RESPONSE TO RESTRICTION REQUIREMENT

In response to your Office Action/Restriction Requirement dated December 5, 2008; please elect Species B of claim 75 with traverse, on which claims 75-76 and 78-81 read. Applicant respectfully disagrees with the Examiner in that there is a) no different field of search required, b) that the prior art of one species would be applicable to the other species, and the species do not raise different non-prior art issues under 35 USC 101 and/or 35 USC 112 1st paragraph. Additionally, Applicant is entitled to a reasonable number of species. Two is not an unreasonable or burdensome number of species to search and examine. Claims 26-27, 31-32, 38, 41, 73, and 74 remain also in the application and were not subject to restriction. Withdrawal of the restriction requirement and further consideration and examination of claims 26-27, 31-32, 38, 41, 73-81 is respectfully requested.

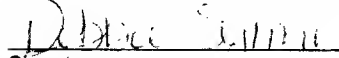
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Respectfully submitted,

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I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via electronic filing.


Signature

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Typed Name

1/9/09
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